

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 20**

February 23, 2011

**SUMMARY OF BILL:** Creates an offense for an owner, keeper, or harbinger of a dog to fail to restrain the dog while outdoors on a leash or similar device in such person's immediate control or in a pen or other enclosure reasonably certain to prevent the dog from leaving the pen or enclosure. Punishment for violations range from a Class C misdemeanor to a Class C felony with fines ranging from \$100 to \$25,000. Defines "enclosure" and "harbinger or keeper."

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – Not Significant**

**Increase State Expenditures - \$23,700/Incarceration\***

**Increase Local Revenue – Not Significant**

**Increase Local Expenditures – Not Significant**

**Assumptions:**

- Currently, the owner of a dog commits an offense if the dog goes uncontrolled by the owner on the premises of another without the consent of the property owner or goes uncontrolled on a highway, public road, street, or any other place open to the public.
- Violations are punishable ranging from a Class C misdemeanor to a Class D felony unless the violation involves a dog that was trained to fight, attack, or kill; had been used to fight; or had previously bitten someone that resulted in serious bodily injury or death and the owner knew of the dangerous nature of the dog. Violations with enhancement factors carry punishments ranging from a Class C misdemeanor to a Class C felony.
- The proposed bill sets fines for each offense. If the dog causes serious bodily injury or death, the court is granted discretion to determine the length of sentence.
- According to the Department of Correction (DOC), there have been no admissions for offenses committed under the current section in the past 10 years. DOC estimates this bill will result in one additional Class E and one additional Class D felony offense every three years.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. The average post-conviction time served for a Class E felony is 1.27 years (463.87 days) at a cost of \$28,119.80 (\$60.62 x 463.87 days). The average post-conviction time served for a Class D felony is 1.97 years (719.54 days) at a cost of \$43,618.51 (\$60.62 x 719.54 days).

- The annualized cost per conviction for a Class E felony is \$9,279.53 (0.33 annual number of convictions x \$60.62 x 463.87 days). The annualized cost per conviction for a Class D felony is \$14,394.11 (0.33 annual number of convictions x \$60.62 x 719.54 days).
- The total additional operating cost is \$23,673.64 (\$9,279.53 + \$14,394.11).
- There will not be a sufficient number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc